

**THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 1ST DAY OF JUNE 2020, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:00 P.M.**

[Click here](#) for meeting video link (subject to change)

The Town Council met in a regular meeting with the following members present:

Steve Dixon	Mayor
Sandeep Sharma	Mayor Pro Tem
Claudio Forest	Deputy Mayor Pro Tem
Jim Pierson	Councilmember Place 1
Ben Bumgarner	Councilmember Place 3
Jim Engel	Councilmember Place 4

constituting a quorum with the following members of the Town Staff participating:

Anne Carnes	Executive Assistant
Theresa Scott	Town Secretary (participating remotely solely to transcribe the minutes)
Bryn Meredith	Town Attorney
Jimmy Stathatos	Town Manager
Debra Wallace	Deputy Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Lexin Murphy	Director of Planning Services
Andrea Roy	Director of Economic Development

**A. CALL REGULAR MEETING TO ORDER**

Mayor Dixon called the regular meeting to order at 6:00 p.m.

**B./C. INVOCATION/PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**

Chaplain Mike Liles gave the invocation and led the pledges.

**D. PUBLIC COMMENT**

*Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

	<b>Speaker names and address</b>	<b>Subject (as written on the form)</b>
1.	Bill Jander, 5108 Timberhaven Ct	Thanking the town

**E. ANNOUNCEMENTS**

Mayor Pro Tem Sharma, Councilmember Bumgarner, and Mayor Dixon shared their thoughts regarding the recent protest.

**F. TOWN MANAGER'S REPORT**

Mr. Stathatos provided the following updates:

1. Capital improvement projects
  - Windsor Drive roundabout connection
  - 1171 Westbound turn lane at FM 2499
2. Economic Development projects
  - New businesses now open or coming soon
  - Cultural Arts Study report

**G. FUTURE AGENDA ITEMS**

1. There were no future agenda items requested.

**H. COORDINATION OF CALENDARS**

Mayor Dixon announced the following upcoming meetings and indicated he may not be at the June 15<sup>th</sup> meeting:

The next Town Council regular meeting is scheduled for Monday, June 15.

**I. CONSENT ITEMS**

1. Consider approval of the minutes from a regular meeting of the Town Council held on May 18, 2020.
2. Consider approval of the minutes from a regular meeting & work session of the Town Council held on May 21, 2020.
3. Consider approval of a Merchant Card Services Agreement and Merchant Application with Global Payments Direct, Inc. and authorization for the Mayor to execute same on behalf of the Town.
4. Consider approval of an Interlocal Cooperation Agreement between Tarrant County and the Town of Flower Mound, which designates a portion of the County's CARES Act funding to the Town for the purpose of reimbursing expenditures associated with its ongoing response to COVID-19; and authorize the Mayor to execute the same on behalf of the Town.
5. Consider approval of an Interlocal Agreement (ILA) between the Town and Denco Area 9-1-1 District permitting the use of the Denco Emergency Communications Center Annex building by Town staff; and authorization for the Mayor to execute same on behalf of the Town.
6. Consider approval of the award of Bid No. 2020-85-A Street Sweeping Services to Mister Sweeper, LP and to establish an annual unit bid price contract for street sweeping services in an annual estimated amount of \$47,000.00; and authorization for the Mayor to execute same on behalf of the Town. The contract is for one-year with four one-year renewal options.

Deputy Mayor Pro Tem Forest moved to approve by consent Items 1 – 6, as presented in the agenda caption. Mayor Pro Tem Sharma seconded the motion. Each item, as approved by consent, is restated above, and if applicable, the Ordinance or Resolution caption for each, for the record.

**VOTE ON MOTION:***Motion passed***AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON****NAYS: NONE****J. REGULAR ITEMS**

Mayor Dixon opened items 7, 8, and 9 at the same time.

7. Public Hearing to consider an ordinance amending the Master Plan (MPA19-0004 – Mustang Creek Assisted Living) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Flood Plain to either Low Density Residential uses or Medium Density Residential Uses. The property is generally located north of College Parkway, east of Timberland Parkway and south of Locke Drive. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its February 24, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 0 at its May 18, 2020, meeting.)
  
8. Public Hearing to consider an ordinance amending the zoning (ZPD19-0012 – Mustang Creek Assisted Living) from Planned Development District-49 (PD-49) with Single Family Detached (Medium Density) (SFDM) uses to Planned Development District-176 (PD-176) with Single Family Estate (SF-E) uses and a nursing or congregate care facility, with a request for an exception to Section 82-302, Compatibility buffer, of the Code of Ordinances, and with certain waivers, exceptions and modifications to the Code of Ordinances. The property is generally located north of College Parkway, east of Timberland Parkway and south of Locke Drive. (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its February 24, 2020, meeting.) (The Town Council moved to postpone this item by a vote of 4 to 0 at its May 18, 2020, meeting.)
  
9. Public Hearing to consider an application for a tree removal permit for five (5) specimen trees on property proposed for development as Mustang Creek Assisted Living. The property is generally located north of College Parkway, east of Timberland Parkway and south of Locke Drive. (The Environmental Conservation Commission recommended approval to remove four (4) of the eight (8) specimen trees requested for removal by a vote of 5-1-0 at its February 4, 2020, meeting). (The Town Council moved to postpone this item by a vote of 4 to 0 at its May 18, 2020, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation for items 7, 8, and 9 identifying or noting:

- Detailed location
- Land use and zoning
- Conceptual site plan
- Master Plan exhibit
- Conceptual landscape plan/topographic slope
- Tree removal request
- Proposed elevations

and she responded to the following questions from Council:

- Clarification regarding the slope exception and how it passed SMARTGrowth
- What is the median age of Flower Mound residents
- Possibility of changing the single-family estate definition

**Applicant Presentation**

Joe Helmberger Kimley-Horn, 260 East Davis St, McKinney  
 Renee Ramsey, CEO Mustang Creek Enterprises, 500 Legacy Drive, Plano

Ms. Ramsey or Mr. Helmberger gave a presentation identifying or noting:

- Company background information
- Letter from LISD school district offer
- Types of homes and elevations
- Travel path video
- Tree summary
- Reasons to choose Mustang Creek over other developments
- Demographic study

and they responded to the following questions from Council:

- If there will be outbuildings next to the fence/greenbelt

Mayor Dixon opened the Public Hearing for items 7, 8, and 9 at 6:35 p.m.

The following individuals either spoke in support or opposition, or had questions / comments related to the item: *Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

<b>Support: Comments/Questions</b> <i>*Indicated did not wish to speak</i>	<b>Opposition: Comments/Questions</b>	<b>Question(s)/Comments Only</b>
Bill Jander, 5108 Timberhaven Ct	None	None
Jan Arrington, 4116 Tiffany Dr		
Cindy Neander, 3004 High Chaparral Dr		
Doug Fulmer, 5313 Townsend Dr		
Anne Scales, 3017 High Chaparral Dr		
Dorrie Loughborough, 5513 Sundale Dr		
Kim Snyder, 5105 Timberhaven Ct		
Patrick Schott, 3400 Tanyard Ct		
Margaret Wroblewski, 2804 Carterton Way*		
Deanne Angonia, 1913 Stevenson Ln*		
Trista Abernethy, 2700 Winnpage Rd*		
Rebecca Bowen, 3104 Dwyer Ln*		
Liz Wieggers, 1409 Simmons Rd*		
Marlene Price, 2604 Huntly Ln*		
Bob Neander, 3004 High Chaparral*		
Henry Loughborough, 5513 Sundale Dr*		
Jennifer Mattingly, 2125 Stevenson Ln*		
Wendi Vaughn, 1801 Kingston Ln*		
Tami Braun, 1721 Marble Pass Dr*		

Mayor Dixon closed the Public Hearing at 6:51 p.m.

**Council Discussion:**

There was Council discussion regarding:

- Concerns that a clear category doesn't exist to allow an assisted living facility use adjacent to medium/low density housing
- Master Plan definition of mixed use
- Senior overlay discussion review
- Assisted living versus residential development impact
- Past committees that discussed the creation of transitional zones
- How the develop is not like an apartment or multifamily use
- How Mustang fits within the proposed area
- Master Plan amendments
- Whether this project is a good fit for the area
- How there were multiple bidders for the property; however, they walked away due to the development cost involved
- How the application itself is different from the funding gained for LISD with the sale of the property
- Planned development or agricultural zoning option

**Item 7 Motion (MPA19-0004 – Mustang Creek Assisted Living):**

Deputy Mayor Pro Tem Forest moved to approve as presented; however, with a low-density residential Master Plan designation. Councilmember Bumgarner seconded the motion.

**ORDINANCE NO. 10-20**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 1.0, LAND USE PLAN, OF THE MASTER PLAN BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, SPECIFICALLY TO CHANGE THE CURRENT LAND USE REFLECTED ON THE LAND USE PLAN MAP FROM FLOOD PLAIN TO LOW DENSITY RESIDENTIAL ON APPROXIMATELY 9.007 ACRES OF LAND SITUATED IN THE J. WATKINS SURVEY, ABSTRACT NUMBER 1324; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: PIERSON, ENGEL, FOREST, BUMGARNER**

**NAYS: SHARMA**

**Item 8 Motion (ZPD19-0012 – Mustang Creek Assisted Living):**

Councilmember Pierson moved to approve as presented; however, with agricultural uses instead of single family estate (SF-E) uses. Councilmember Bumgarner seconded the motion.

## ORDINANCE NO. 11-20

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 9.007 ACRES OF LAND SITUATED IN THE J. WATKINS SURVEY, ABSTRACT NUMBER 1324, FROM PLANNED DEVELOPMENT DISTRICT-49 (PD-49) WITH SINGLE FAMILY DETACHED (MEDIUM DENSITY) (SFD) USES TO PLANNED DEVELOPMENT DISTRICT-176 (PD-176) WITH AGRICULTURAL USES AND A NURSING OR CONGREGATE CARE FACILITY IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND SPECIFIC REQUIREMENTS AND EXHIBITS INCORPORATED HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

**VOTE ON MOTION:***Motion passed***AYES: BUMGARNER, FOREST, ENGEL, PIERSON****NAYS: SHARMA****Item 9 Motion (Tree Removal Permit – Mustang Creek)**

Deputy Mayor Pro Tem Forest moved to approve as presented. Councilmember Engel seconded the motion.

**VOTE ON MOTION:***Motion passed***AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER****NAYS: NONE**

10. Public Hearing to consider an ordinance amending the Land Development Regulations (LDR19-0010 – Platting Updates) by amending Chapter 74 entitled "General Provisions", Chapter 78 entitled "Administration" and Chapter 90 entitled "Subdivisions" of the Town's Code of Ordinances to create a process for assessing project completeness and associated vested rights, as well as project expiration dates, and to clarify review and approval processes for development plans and plats, in compliance with new state regulations. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its May 11, 2020, meeting.)

**Staff Presentation**

Ms. Murphy gave a presentation identifying or noting:

- Previous discussion summary
- Sec. 74-3 definitions
- Paper copies references
- Outdated titles
- Corrections (Sec. 90-33, 90-93, 90-219)
- Updates (90-55, 90-126, 90-127, 90-219, 90-221)
- Proposed changes (by staff)
- Changes needed due to state law
- Vested rights
- Benchmark cities

and she, Mr. Meredith, Mr. Dalton, or Mr. Stathatos responded to the following questions from Council:

- Clarification regarding the septic requirements
- Clarification regarding approval time lines as it relates to plat/plan applications
- Clarification regarding the vested rights entitlements
- Concerns regarding decisions being made by a single individual and the appeal process

Mayor Dixon opened the Public Hearing at 8:30 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 8:30 p.m.

Mayor Pro Tem Sharma moved to approve as presented; however, with the addition of an appeal process with the Board of Adjustment for vested rights determinations made by the Town Manager. Deputy Mayor Pro Tem Forest seconded the motion.

#### ORDINANCE NO. 12-20

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 74, "GENERAL PROVISIONS" OF THE TOWN'S CODE OF ORDINANCES, SECTION 74-3, "DEFINITIONS" TO UPDATE THE DEFINITIONS OF LAND USE PLAN AND TOWN MANAGER; AMENDING SECTION 74-5, "CONSISTENCY WITH COMPREHENSIVE MASTER PLAN" TO REMOVE OUTDATED TEXT REFERENCING SPECIFIC PLAN AREAS; AMENDING CHAPTER 78, "ADMINISTRATION" OF THE TOWN'S CODE OF ORDINANCES, TO CREATE ARTICLE VI, "VESTED RIGHTS"; AMENDING CHAPTER 90, "SUBDIVISIONS" OF THE TOWN'S CODE OF ORDINANCES, ARTICLE I, "IN GENERAL," ARTICLE II, "DEVELOPMENT PLAN," ARTICLE III, "PLATS," ARTICLE V, "IMPROVEMENTS," AND ARTICLE VI, "STANDARDS" TO ESTABLISH REQUIREMENTS AND PROCESSES FOR COMPLETENESS DETERMINATIONS, AS WELL AS TO REFLECT CURRENT TOWN PRACTICES AND STATE REQUIREMENTS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**VOTE ON MOTION:**

*Motion passed*

**AYES: BUMGARNER, FOREST, SHARMA, ENGEL, PIERSON**

**NAYS: NONE**

11. Public Hearing to consider approval of a Chapter 380 Agreement between the Town of Flower Mound and Gerault Office Warehouse I, LP

#### **Staff Presentation**

Ms. Roy gave a presentation identifying or noting:

- Site map
- Project details, including the site plan
- Incentives

and she responded to the following questions from Council:

- Clarification regarding the amount for the sidewalk

Mayor Dixon opened the Public Hearing at 8:38 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 8:38 p.m.

Deputy Mayor Pro Tem Forest moved to approve as presented. Mayor Pro Tem Sharma seconded the motion.

**VOTE ON MOTION:**

*Motion passed*

**AYES: PIERSON, ENGEL, SHARMA, FOREST, BUMGARNER**

**NAYS: NONE**

**K./L. CLOSED/OPEN MEETING**

The Town Council did not convene into a closed meeting. No action was taken on items a. – c. below.

- a. Consultation with Attorney.
- b. Discuss and consider purchase, exchange, lease or value of real property for parks, public rights-of-way, cultural arts center, and/or other municipal purposes and all matters incident and related thereto.
- c. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.

**M. ADJOURN REGULAR MEETING**

Mayor Dixon adjourned the meeting at 8:39 p.m. on Monday, June 1, 2020, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

*Steve Dixon*

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**STEVE DIXON, MAYOR**

**ATTEST:**

*Theresa Scott*

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**THERESA SCOTT, TOWN SECRETARY**